

BETTERTON & TYLER**Attorneys at Law**

981 Ridgewood Avenue, Suite 101

Venice, Florida 34285

Telephone: (941) 488-4422 ***** Facsimile: (941) 483-4992

Greg A. Betterton
Email Address:
greg@bettertonlaw.com

Thomas C. Tyler, Jr.
Email Address:
TCT11221@ix.netcom.com

7/15/2005

Ms. Rini Ghosh
Attorney-Advisor
Section of Environmental Analysis
Surface Transportation Board
Room 504
1925 K Street, NW
Washington, DC 20423

Re: AB-6 Sub-No. 428 X
BNSF Railway Company – Abandonment Exemption – in Colfax County, NM

Dear Ms. Ghosh:

I represent Colfax Land and Cattle Company, LLC (“Colfax”). Colfax owns a portion of the real property through which the above line traverses, and therefore Colfax has a significant interest in the planned salvage activities. Colfax has reviewed the concerns of Vermejo Park, LLC (“Vermejo”), as set forth in its letter to you dated July 15, 2005. Colfax has similar concerns, particularly the lack of detail in BNSF’s plan.

Therefore, Colfax joins with Vermejo in its requests that SEA recommend the following conditions:

1. Require BNSF to remove all the ballast as part of its salvage activities;
2. Require BNSF to consult with Colfax prior to commencing salvage activities regarding the culverts and drainage system; and
3. Require BNSF to consult with Colfax prior to commencing salvage activities regarding which bridges and structures it plans to remove and the processes it plans to utilize to remove them.

Thank you for your attention to our concerns.

Sincerely,

/s/ *Greg Betterton*

Greg Betterton